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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER TRAN, PHILIP B	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/605,013

Applicant(s)

BORIN, MARAT

Examiner

Philip B. Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                          |

## **Response to Amendment**

### ***Notice to Applicant***

1. This communication is in response to Amendment filed 12 July 2007. Claims 1-6 have been canceled. Claims 7-15 have been newly added. Therefore, claims 7-15 are pending for examination.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The bracket of "[Insert title of invention]" should be omitted from the Title.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 7 and 9-15 are objected to because of the following informalities:

In claim 7, the abbreviation term "SMS" should have been defined in the claim.

In claims 9-15, it is not clear what the phrase "a system and method in accordance to claim 7" means because claim 7 is a system claim.

In claim 14, line 2, there is an opening parenthesis mark and no closing parenthesis mark.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, claim 7 recites the limitation "The system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7-8 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Halim et al (Hereafter, Halim); U.S. Pat. Application Pub. No. US 2003/0092454 A1.

Regarding claim 7, Halim teaches the system for automated communication between websites (= web site 100) and wireless communications devices (= wireless devices or mobile station 10) comprising, having a SMS system embedded to a Website (= web site 100); having a carrier gateway (= gateway or SMS server) website database (= database) linked to said SMS system; having said SMS system connected to a SMS server (= SMS server), having said Website send and receive messages to said SMS

system through said SMS server to a mobile device [see Abstract, Figs. 3 & 8 and Paragraphs 0016-0021 & 0052].

Regarding claim 8, Halim further teaches the system according to claim 7, where said mobile device is remotely connected to said Carrier Gateway URL Database [see Figs. 3 & 8].

Regarding claim 12, Halim further teaches a system and method in accordance to claim 7, where said remote device includes a modulator a transmitter, a receiver, a demodulator (DEMOM) and a controller [see Fig. 1 and Paragraphs 0034-0035].

Regarding claim 13, Halim further teaches a system and method in accordance to claim 7, said SMS server is a part of a first cellular network comprising a Base Station/Mobile Switching Center/Interworking function that includes a mobile switching center (MSC) and a Message Center (MC) [see Fig. 2].

Regarding claim 14, Halim further teaches a system and method in accordance to claim 7, where said mobile device sets the User Destination Address and User Destination Subaddress in the R-DATA message (in which the SMS Manual ACK is sent to the User Originating Address (if included) and User Originating Subaddress (if included) in the R-DATA message in which the SMS Deliver message being acknowledged was received [see Paragraphs 0038-0043].

Regarding claim 15, Halim further teaches a system and method in accordance to claim 7, where a SMS event message is transmitted by the SMS server to a cellular network for transmission to the destination address where it is displayed on the remote device [see Figs. 3 & 8 and Paragraphs 0051-0053].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halim et al (Hereafter, Halim), U.S. Pat. Application Pub. No. US 2003/0092454 A1.

Regarding claims 9-11, Halim does not explicitly teach wherein said system is used for a classified ads website, wherein said system is used for an auction website, and wherein said system is used for a dating/matchmaking website. However, the mentioned "wherein" clauses appear to represent statement of intended use or field of use. It would have been obvious to one of ordinary skill in the art to recognize that websites would enable the system to send a text message (notification) to the members' wireless devices with regarding various information such as advertising messages, news and other related information. Thus, website services such as classified ads, auction, or dating/matchmaking are efficiently provided to the user of wireless devices.

***Response to Arguments***

10. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Applicant just briefly stated that applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art especially over the Halim U.S. Pat. Application US2003/0092454. The current Application is designed as a means to notify uses by SMS through the use of a website [see Remarks on Page 4 of Amendment].

In response to applicant's argument, Halim clearly teaches the system for automated communication between websites such as web site 100 and wireless communications devices such as wireless devices or mobile station 10 comprising, having a SMS system embedded to a Website; having a carrier gateway such as gateway or SMS server website database linked to said SMS system; having said SMS system connected to a SMS server, having said Website send and receive messages to said SMS system through said SMS server to a mobile device [see Halim, Abstract, Figs. 3 & 8 and Paragraphs 0016-0021 & 0052].

Therefore, the examiner asserts that the cited prior arts teach or suggest the subject matter recited in independent claims. Dependent claims are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 7-15 are respectfully rejected as shown above.

***Conclusion***

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

**A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.



13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHILIP TRAN  
PRIMARY EXAMINER

Art Unit 2155  
Sept 28, 2007